--28. (Amended Once). An imaging system comprising:

(a) an imaging device that at least one of obtains and presents at least one image;

(b) an eye gaze system associated with said imaging device that determines a non-closed loop portion of said at least one image that an eye of a viewer observes wherein said viewer observes each of said multiple points;

(c) said image system associating said at least one image with said non-closed loop portion of said at least one image; and

(d) an image processor that identifies the content represented by said at least one image based on the content of the image together with said non-closed loop portion.

REMARKS

The Examiner rejected claims 1-5 and 7-36 under 35 U.S.C. Section 103(a) as being unpatentable over Yamasaki in view of Takagi et al.

The Examiner suggests that FIG. 6 of Yamaski shows an image plane with several regions s1-s4, for which the Examiner interprets as being portions of the image. The Examiner further suggests that region s1 is in the image plane and thus there is some association with the image. The Examiner also suggests that Takagi et al. disclose, in relevant part, an image system that determines a non-closed loop portion including multiple points, as shown in FIG. 14.

Yamasaki actually discloses a moving body detection device to correctly detect an area in which a target moving body is present even when the camera moves. The device includes a gazing point P, as illustrated in FIG. 2A, that is a single point

moved to a position near an object OBJ by the operator. Turning the switch (SW) on superimposes a moving body detection zone of large area, based on a region around the single gazing point P, as shown in FIG. 2B. Next the moving body area is specified and the tracking operation is started, as shown in FIG. 2C. In order to determine whether the camera or the object is moving, the system uses motion vector detection areas indicated by s1 to s4 for determining the movement of the camera. In other words, the motion vector detection areas s1 to s4 detect overall camera motion. Accordingly, the viewer does not observe s1 to s4 in combination with the eye gaze system nor does the regions s1-s4 have any relationship to the eye gaze system.

Claims 1, 12, 19, and 28 have been amended to more clearly patentably distinguish over Yamasaki in view of Takagi et al. by claiming that the non-closed loop portion includes multiple points of the at least one image that an eye of a viewer observes wherein the viewer observes each of the multiple points.

Yamasaki in contrast discloses a system where the system defines a closed-loop region (moving body detection zone of FIG. 2) based upon a single point P (gazing point P), and the regions s1-s4 are not observed by the viewer (motion vector detection areas). In addition, there is no motivation, suggestion, or teaching in Yamasaki to include multiple points that the viewer observes as suggested by the Examiner by the inclusion of Takagi et al. Further, if multiple points were used in Yamasaki to define the gazing point it would then be highly difficult to accurately define the location of the moving object for the superimposed moving body detection zone.

Claims 2-5, 7-11, 13-18, 20-27, and 29-36 depend from their respective independent claims are patentable for the same reasons asserted for their respective independent claim.

The Examiner is respectfully requested to reconsider claims 1-5, and 7-36 in light of the foregoing amendments and remarks and to pass the application to issue.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on December 30, 1999.

Dated: December 30, 1999

Kevin L. Russell

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